

Remarks

Claims 1-12 are pending. Reconsideration of the application in view of this Paper is respectfully requested.

I. Claim Rejection(s) under 35 U.S.C. § 102

The Office Action states that claims 1-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0181168 to Herrod et al. (hereinafter "Herrod"). In view of the following discussion, this rejection is respectfully traversed.

A rejection of a claim on the basis of anticipation requires that the single piece of prior art being applied show, either expressly or inherently, each element of the claim. Applicants' pending claims recite either a method or system "for mapping locations of wireless transmitters having transmitter representative data and positioned for detecting the presence of participants in market research". As with the prior Office Action, the present Office Action fails to support rejection of the claims since this recitation is not shown as required; thus, it is respectfully requested that the rejection(s) be withdrawn.

Regarding Applicant's claimed feature of "mapping locations of wireless transmitters", the Office Action repeats Applicants' claim language and references Figures 8a-8b along with elements 82, 110, 112 and 132, and the associated description of Herrod as the basis for rejection.

It is respectfully submitted that the description of what Herrod provides begins more aptly with that associated with its Figures 5-7 at paragraphs [0098] through [0101]. Therein, Herrod discloses an opportunity for a customer 60 of a retail establishment to use a terminal 10 that receives information. This information comes from wireless transmitters 66 and may include a map of product availability in the establishment relative to the proximity of the customer holding the terminal 10. While

the cited portions of Herrod discuss, in part, that "[i]f the map option is selected then, optionally, the user's current location is identified at 110 and the map is displayed showing this information at 112", Herrod fails to disclose the features set forth by Applicants as expressed by the above quotations thereof. Thus, because neither that which has been specifically addressed heretofore nor any other part of Herrod either teaches or suggests Applicants' invention as claimed, it is respectfully requested that the rejection of the claims be withdrawn.

II. Information Disclosure Statement

Together with their response to the prior Office Action on July 10, 2006, Applicants submitted an Information Disclosure Statement (IDS). Applicants submitted the IDS (1) in a letter format providing for each of the categories of information, and presentation thereof, in a manner fully compliant with 37 C.F.R. § 1.98 and (2) accompanied by payment of all requisite fee(s) enabling entry thereof.

The instant Office Action states that the aforementioned IDS is non-compliant with 37 C.F.R. §§ 1.97-1.98 and MPEP § 609, that the information contained therein has not been considered and that the date of re-submission serves as the date on which to consider further compliance with the rules. The basis for this is that Applicants did not present the information presented in the IDS on PTO Form 1449; and that such information should be presented on such form in order to obtain consideration thereof.

Applicants respectfully submit that the demand as to Form 1449 is misguided. Nonetheless and purely in the interest of compact prosecution, Applicants have provided along with this Paper PTO Form SB/8A (said to be equivalent to PTO Form 1449) listing the contents listed in the aforementioned IDS. Additionally, the submission is accompanied by the required fee (paid by check) under 37 C.F.R. § 1.17(p), as is required under 37 C.F.R. § 1.97(c).

III. Conclusion

It is respectfully submitted that the claims now pending in the subject application patentably distinguish over the references made of record, and that the application is in condition for allowance. Accordingly, allowance of the application is respectfully requested.

The Examiner is invited to telephone the undersigned directly at (212) 790 -9278 in the event that doing so is deemed helpful in any way.

The Director is authorized to charge any additional fees incurred by Papers submitted in this application, or, credit any overpayment to Deposit Account No. 03-3415.

Respectfully submitted,

Dated: January 5, 2007

A handwritten signature in black ink, appearing to read "Buck", written over a horizontal line.

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